

Clerk's Office Survey: July 2013

Clerk's Comments

The Clerk's Office Survey issued in July 2013, is the first time that the Bankruptcy Clerk's Office for the Northern District of West Virginia made a concerted, formal effort to obtain feedback from the bankruptcy bar. The survey is consistent with the Clerk's Office mission to serve the bench, bar, and public through the bankruptcy system. The Clerk's Office receives regular interaction and feedback from the bench, and before issuance of the survey, only obtained informal feedback from select members of the bar. The survey is consistent with the Office's strategic plan, adopted in April 2012, which, among other things, requires the Office to engage in outreach efforts and employ good business practices. The bar's assessment of our work is integral to meeting these strategic goals.

Below is an analysis of the survey results, which will be used by the Clerk's Office to continue our work in areas where we are doing well, and to improve areas where we can be doing better. In total, 34 anonymous surveys were returned by members of the bankruptcy bar, or by non-attorney staff members in a legal office. We appreciate the time the respondents took to answer the survey, and appreciate the voluntary comments that were submitted.

Q1: How often do you have interaction with the bankruptcy court for the N.D.W. Va.?

Regularly	69.23%	27
Frequently	5.13%	2
Occasionally	23.08%	9
A Few Times	2.56%	1

Comment:

About 97% of the respondents have had the opportunity to become familiar with the Court, Clerk's Office, and staff. As a whole, this means that the responses obtained are solidly based on individual experiences and creates confidence in the validity of the results.

Q2: Please indicate your level of agreement/satisfaction regarding the Clerk's Office Personnel.

Answered: 34

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
The Clerk's Office Staff is courteous	1	0	0	1	32	4.85
The Clerk's Office staff is professional.	1	0	0	1	32	4.85
The Clerk's Office staff is knowledgeable.	1	0	0	5	28	4.74
The Clerk's Office responds to my inquiries in a timely manner.	1	0	0	1	32	4.85
Telephone calls are answered / returned promptly.	1	0	0	3	30	4.79
After an order is signed by the Judge, it is timely entered by the Clerk's Office.	1	0	1	3	29	4.74
I receive accurate and timely information regarding hearings scheduled before the Court.	1	0	0	3	30	4.79
The Clerk's Office assists me in navigating the administration of a bankruptcy case.	1	0	3	5	25	4.61

I am satisfied with the treatment I receive from Clerk's Office Staff.	1	0	0	2	30	4.82
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Comment:

With one exception noted above, personnel are doing an excellent job in their interactions with the survey respondents. The fact that the lowest marks concern knowledge and assistance in navigating the administration of bankruptcy cases is expected considering that the nearly all the respondents are attorneys performing bankruptcy related work and are therefore well-versed in bankruptcy procedures.

Q3: Please indicate your level of agreement / satisfaction regarding CM/ECF.

Answered: 33

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
The Clerk's Office is knowledgeable about ECF.	0	0	3	4	26	4.7
The Clerk's Office is available to assist me when I call or email with an ECF issue.	0	0	2	3	28	4.79
The Clerk's Office is able to timely resolve my ECF issues.	0	0	2	3	28	4.79
The ECF registration process is quick and simple.	0	0	7	5	19	4.39
ECF trainers are friendly and courteous.	0	0	7	3	20	4.43
ECF training content and materials are relevant.	0	0	7	5	17	4.34
The ECF user manual is helpful.	0	1	8	8	13	4.34
The electronic dockets are readable and easy to understand.	0	1	1	10	20	4.53
The Clerk's Office appropriately corrects ECF docketing mistakes made by e-filing parties.	0	0	5	3	25	4.61

The Clerk's Office appropriately contacts e-filing parties regarding docketing mistakes	0	1	3	5	24	4.58
ECF emails (Notice of Electronic Filings) are easy to understand.	0	2	0	10	20	4.5
I am satisfied with the information I receive about ECF upgrades and system down-time.	0	0	0	8	24	4.75

Comment:

CM/ECF has revolutionized bankruptcy clerk's offices. For example, in June 2013, our small office had 5,466 entries on CM/ECF. Of those entries 1,973 were docketed through automated programs without human involvement (such as BNC Certificates of Service), 1,799 were made by attorneys, and the remaining 1,694 were made by Clerk's Office staff. The Clerk's Office no longer maintains a paper case file room. In 2007, the Bankruptcy Court implemented mandatory e-filing (with some exceptions). CM/ECF, and the quality control of entries made through CM/ECF, is the most essential component of the Clerk's Office operations.

Electronically filing documents via CM/ECF requires some experience, and many attorneys delegate filing responsibility to office staff. Most of our helpdesk calls and emails concern how to docket particular motions via CM/ECF. For many years, the Clerk's Office required attorney training before an attorney could be issued a CM/ECF log-in and password. In 2012, our Office terminated the mandatory training requirement and we now allow any attorney to obtain a log-in and password without taking an e-filing class. The Clerk's Office implemented this change because, in general, the attorney's support staff – not the attorney – were the ones actually filing the documents and calling our Office for assistance, and after about a decade of electronic filing in all federal courts, most attorneys are already basically familiar with the process. We now provide electronic learning modules on CM/ECF that are created by the PACER Service Center, and provide attorneys and their support staff one-on-one training in their offices upon request. In October 2008, the Office created a CM/ECF Attorney Filing Manual, which is on our website.

The survey results reflect that Clerk's Office employees are knowledgeable about CM/ECF, are available for assistance, timely respond to inquiries, and are courteous. The Office is apparently doing a good job about correcting docketing mistakes by attorneys, but may improve upon communicating

those corrections to the filing attorney. The Clerk's Office can also improve upon the effectiveness of the CM/ECF user manual, and, where possible, making the electronic dockets and emailed notices of electronic filing easier to read.

Q4: Please indicate your level of agreement / satisfaction regarding the Clerk's Office notice practices.

Answered: 31

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
I like that the Clerk issues all (or nearly all) notices.	0	0	1	4	26	4.81
I would rather that the Clerk delegate noticing to the party filing a motion or other document requesting relief.	19	4	7	0	1	1.71
The Clerk's Office general practice of issuing a 21-day notice by mail allows sufficient time to file an objection or response to a filed motion.	0	0	3	10	18	4.48
I am satisfied with the practice of entering the order proposed by the moving party in the absence of any objection.	0	0	1	9	21	4.65

I would rather the Clerk's Office set all motions or other documents requesting relief for a Court hearing in lieu of providing "negative notice" and entering a proposed order in the absence of an objection.	21	6	2	0	2	1.58
In adversary proceedings, I am satisfied with the Clerk's Office general practice of issuing a 21-day notice by mail on filed motions	0	1	5	10	15	4.26
In adversary proceedings, I would prefer that the Clerk's Office deviate from noticing practices in the main case and shorten the time to respond from 21-days by mail to 14 days from issuance (12 days by mail)	7	6	12	3	3	2.65
I receive notices from the Clerk's Office that I should not be receiving.	14	9	5	1	1	1.87
I am not receiving the notices from the Clerk's Office that I should be receiving.	18	8	3	0	2	1.71
I understand the Clerk's Office procedures for issuing notices.	0	1	7	9	13	4.13

I understand the Clerk's Office procedures for determining when a proposed order can be entered by the Judge ex parte.	1	4	5	11	9	3.77
I understand the Clerk's Office procedures for setting a motion directly for hearing in lieu of issuing a "negative notice."	1	3	8	10	9	3.74
Having a better understanding of the Clerk's Office noticing procedures would assist me in my work.	2	1	9	11	8	3.71
Notices from the Clerk's Office that set a hearing are clear as to the matter being heard by the Court.	0	1	2	11	17	4.42
Notice from the Clerk's Office setting a response / objection deadline are clear as to when the deadline expires.	0	0	1	11	19	4.58
Notices from the Clerk's Office that set a telephone conference are clear as to how parties are to participate by phone.	1	0	1	7	22	4.58

Comment:

The survey results demonstrate that parties are satisfied that the Clerk's Office is issuing nearly all notices in cases in lieu of delegating that responsibility to the filing party. Allowing 21 days from mailing to elapse (23 days from issuance of the notice) before sending a proposed order to the Judge for consideration allows parties sufficient time to object, if necessary. Regarding adversary proceedings, 42% of the respondents were opposed to a shortening of the notice period, and 19% were in favor of such a change. Based on these results, no change is being contemplated by the Clerk's Office regarding noticing in adversary proceedings.

Respondents are satisfied that the Judge generally enters the proposed order when no timely objection is filed. Only two respondents would rather every motion be set for hearing in lieu of a "negative notice" proceeding. The survey results indicate that no changes are necessary in these areas.

Regarding excess notices, for the past year, the Clerk's Office has been undertaking a comprehensive noticing assessment to eliminate notices going to parties who are not entitled to receive them under the Bankruptcy Rules. For example, the order of case closing once went to all creditors, now it only goes to the debtor. Below is a CY 2011 – 2012 comparison of noticing costs; the non-italicized 2012 numbers are the actual values and the italicized 2012 numbers reflect an adjustment to bring the lower case filings in 2012 to a level of equality with the higher number of case filings in 2011:

Year	Total Notices	Average No. of Recipients Per Event	Total Notices Mailed	Total Electronic Notices Transmitted	% EBN	BNC Cost	Postage Cost	Cost Per Notice
2011	394,743	21	270,274	88,673	24.7%	42,223	53,200	0.2658
2012	256,380 <i>328,166 adjusted</i>	17	162,270 <i>207,705 adjusted</i>	70,625 <i>90,400 adjusted</i>	30.3%	24,679 <i>31,589 adjusted</i>	33,908 <i>43,402 adjusted</i>	0.2516
% change 2011 - 2012 adjusted for case filings: 28%	16.8% Decrease in Total Notices	19% Decrease in Number of Recipients Per Event	23% Decrease in Total Notices Mailed	2% Increase in Electronic Notices	22.6% Increase in EBN	25.2% Decrease in BNC Costs \$10,634 Savings	18.4% Decrease in Postage Costs \$9,798 Savings	5.3% Decrease in Cost Per Notice

As the Clerk's Office continues its multi-year noticing project, parties should see some reduction in the number of notices received. Of course, e-filers will continue to receive an NEF of every document filed in a case.

About 6.5% of respondents complain that they are not receiving the notices they should be receiving. No follow-up questions were asked in the survey. There may be case specific reasons for the failure to obtain notice, the party may not have been entitled to notice under the Rules, the recipient's email box may have been full, an email message may have been deleted, or it may have just been human error in the Clerk's Office or the attorney's office. Part of the multi-year noticing project is to ensure that the right parties get the right notices, and based on the survey responses, there is room for improvement in this area. When notices are reaching the right parties, there is a high level of satisfaction with the form and content of the notices.

The Clerk's Office can do a better job at communicating its noticing practices to the bar. Sixty-one percent stated that having a better understanding of the Clerk's Office noticing procedures would better assist the respondents in their work. Some confusion exists as to when a proposed order is entered after notice, when the court enters an order without notice, and when a hearing is set on a motion even though no timely response is filed. Based on the survey results, the Clerk' Office will endeavor to publish guidance on these types of issues.

Q5: Please indicate your level of agreement / satisfaction regarding Court hearings.

Answered: 31

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
The Clerk's Office sets court hearings in a timely manner.	0	0	1	6	24	4.74
I like that the Clerk's Office sets matters for telephonic hearings.	0	0	2	4	25	4.74
I understand what matters will be set for a telephonic hearing and what matters will be set for a court appearance.	0	4	5	10	10	3.9
The practice of setting preliminary telephonic hearings on stay relief motions should be continued.	0	0	5	11	14	4.3
The practice of setting preliminary telephonic hearings on stay relief motions is a waste of time.	19	6	6	0	0	1.58
I am satisfied with the method by which telephonic hearings are scheduled in lieu of court appearances.	0	0	2	8	21	4.61

I like that digital audio recordings of Court hearings are made available through PACER.	1	0	3	8	19	4.42
Digital audio recordings are timely made available on PACER following a hearing.	0	0	4	11	16	4.39
I would like to see the Court expand its use of video conferencing in holding hearings in lieu of a court appearance.	2	1	13	4	11	3.68
I would like to see the Court expand its use of video conferencing in lieu of a telephonic hearing	3	10	11	2	5	2.87

Comment:

The Clerk's Office is doing a good job at timely setting hearings, and parties like the practice of setting preliminary telephonic hearings on stay relief motions. While there is some (understandable) confusion over when a matter is set for a telephonic hearing and when it is set in court, the respondents are generally satisfied with the Court's and/or Clerk's Office selection of the form of the hearing. In setting forth its noticing practices as a result of the responses to Question 4, the Clerk's Office will also endeavor to publish its methodology for determining whether a hearing is set by telephone or in court.

Eighty-seven percent of the respondents were satisfied or very satisfied that an audio file of the court hearing is made available on PACER. Most respondents disfavored replacing telephonic hearings with video conferences, and there was not a high level of overall support for expanding the use of video conferences in lieu of making a court appearance. The Clerk's Office will use the results of this survey in prioritizing future courtroom technology projects.

Q6: Please indicate your level of agreement / satisfaction regarding the Court's website.

Answered: 31

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
I use the Court's website.	0	3	0	12	16	4.32
The Court's website has an aesthetic appearance.	0	0	6	12	12	4.2
The Court's website is easy to navigate.	0	1	4	14	12	4.19
The text size of the website is adequate.	0	0	3	14	13	4.33
The links provided on the website are effective.	0	0	8	10	13	4.16
I find suitable answers to my questions on the website.	1	0	6	13	11	4.06
Information on the website is current.	0	0	7	9	15	4.26
I am informed about the operation of the bankruptcy court based on the information I obtain from the website.	1	1	5	12	12	4.06
The Bankruptcy Court listserv is used appropriately.	0	0	5	13	11	4.21

Comment:

The Court's website has become the primary communication tool the Office has with the bar and public. In 2012, the Office transitioned to the national template for court websites, and renovated the website's content and appearance. In July 2013, 1,572 people visited our court's website, and 751 of those visitors were unique. There were 4,149 page views, and the average visit lasted about 5 minutes. Most visitors came from West Virginia, Virginia, Maryland, and the District of Columbia. Information available on our website often eliminates telephone calls or emails to the Office, which increases staff efficiency in accomplishing other tasks.

Based on the survey responses, the Clerk's Office appears to be doing a good job at maintaining its website. Pursuant to the results and the optional comments below, the Office will endeavor to post its hearing dockets to the website in advance of in-court hearings and continue to maintain the website with up-to-date content.

Q7: Please indicate your level of agreement / satisfaction regarding the Court's facilities.

Answered: 30

	Strongly Disagree / Very Dissatisfied / Never or Almost Never	Disagree / Dissatisfied / Infrequently	Neither Agree Nor Disagree	Agree / Satisfied / Often	Strongly Agree / Very Satisfied / All the Time	Average Rating
I am satisfied with existing technology in the Bankruptcy Courtroom in Wheeling	0	2	11	8	9	3.8
I am satisfied with existing technology in the Bankruptcy Courtroom in Clarksburg.	0	2	14	9	5	3.57
I am satisfied with existing technology in the Bankruptcy Courtroom in Martinsburg.	1	3	16	6	4	3.3
The Bankruptcy Court provides the bar and public with adequate facilities in Wheeling.	0	0	9	9	11	4.07
The Bankruptcy Court provides the bar and public with adequate facilities in Clarksburg.	0	0	10	10	9	3.97
The Bankruptcy Court provides the bar and public with adequate facilities in Martinsburg.	1	1	15	7	6	3.53

Comment:

Courthouse and courtroom space is a topical subject in the Judiciary. Bill Shuster (R-PA) stated on April 17, 2013, that the Judiciary can “administer justice in a warehouse with two milk crates and a 2x4.” The Judiciary has implemented courtroom sharing plans, and this Office was previously required to independently justify keeping its Clarksburg Divisional Office open because there is no resident bankruptcy judge at the facility. As the respondents in the Martinsburg Division know, finding courtroom space in shared facilities can create scheduling difficulties. It has long been the desire of the Court and Clerk’s Office to have a Martinsburg Divisional Office and courtroom, but the current budget climate is not favorable, and the Judiciary as a whole is looking to reduce its space footprint – not expand it.

The survey results reflect that the Bankruptcy Court is providing adequate facilities. The Clerk’s Office may use the results of the survey in future long-range planning and in its communication with district employees when discussing facilities and courtroom sharing plans.

One courtroom technology issue specifically mentioned in the optional comments (below) is the ability to access the internet (via wireless technology) from all court locations to retrieve files from the attorney’s office. This comment is justified. During hearings, the Judge, members of Chambers, and members of the Clerk’s Office are constantly viewing relevant computer case files. In this technological age, and in a judicial forum that has traditionally embraced automation, the fact that attorneys don’t have this same ability is unfair. Two problems exist with providing wireless internet access to attorneys. First, the Clerk’s Office is prohibited by Judiciary Policy from using taxpayer funds to provide internet access in courthouses for attorneys or other public users under the premise that such access is not in support of the mission of the courts, and, therefore, is not a necessary expense of the Judiciary. Second, the court cannot provide public access over its own internet connection for security reasons, and, moreover, all internet activity on the court’s network is monitored. On the other hand, pro hac vice funds may be used to provide wireless internet access in the courtroom for attorneys. While live streaming and videotaping are prohibited via wireless devices, the Bankruptcy Judge has indicated his consent to allow wireless access in his bankruptcy courtrooms in Wheeling and Clarksburg. It is up to members of the Northern District Bar, however, to make a request to the District Court that pro hac vice funds be used for this purpose.

Q8: Optional Comments

I would like to be able to access the internet from all court locations to retrieve information from my office. (case trustee)

The Clerk and his staff are professional, knowledgeable and exceedingly helpful. They make practicing before the bankruptcy bar an efficient and pleasurable experience for attorneys and pro se parties filing case in the Northern District. Keep up the good work. (attorney)

Far more helpful than the Ohio Clerk's Office. It's nice to talk to someone who wants to help rather than making you feel like you've interrupted their leisure time. (attorney)

This survey was too long. (attorney)

I would like to see the Clerk's office post dockets on the website. (attorney)

The Clerk's Office does an outstanding job serving the bankruptcy bar throughout West Virginia. It is effective, accurate and efficient, and, importantly, the staff is very, very pleasant to work with. In particular, I am very grateful for the recent change to the telephonic hearing procedures, which provide for a simple call in feature, funded by the Court. It works very well, and eliminates much doubt about phone in procedures that existed in the past. Keep up the good work, my friends. (attorney)

Just keep a-goin', Ryan! (attorney)

I would like the ability to connect to my office via laptop in order to access files / cases. (case trustee)

The Northern District Clerk's Office extends itself to the bar in an effort to be helpful and assist parties in understanding procedures and policies of the Court. The website is filled with useful information and I often refer parties to the site for information. The clerk is A+ material and has improved not only the quality of the service the clerk's office provides but the value of the service provided. (government agency)

The technology in the Courtrooms in the district I deem merely adequate, in that there does not seem to be many hearings via video conference.(attorney)

The Clerk's office is the most efficient and courteous government office I have ever dealt with in my 38 years of practicing law. (attorney)

My dealings with the Clerk's office are always positive. The Clerk and his staff are extremely knowledgeable, polite, and timely. (government agency)

Q9: What best describes the type of organization of office in which you work?

Law Office Representing Debtors	11	35.48%
Law Office Representing Creditors	5	16.13%
Law Office Representing Debtors and Creditors	5	16.13%
Case Trustee	4	12.9%
Government Agency	6	19.35%
Other	1	3.23%

Q10: What best describes your role in your office?

Answered: 30

Attorney	25	83.33%
Paralegal	1	3.33%
Assistant / Legal Secretary	1	3.33%
Office Manager	2	6.67%
Other	1	3.33%

Q11: Which Bankruptcy Clerk's Office do you contact more often?

Answered: 31

Wheeling	23	74.19%
Clarksburg	8	25.81%